

AN ORDINANCE                      **9 8 2 6 0**

**AUTHORIZING PAYMENT IN THE AMOUNT OF \$617,000.00 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2003-ED-0009, CITY OF SAN ANTONIO, TEXAS VS. COUNTRYSIDE PLAZA, LTD., ET AL FOR THE FEE SIMPLE ACQUISITION OF ONE PARCEL AND ONE TEMPORARY EASEMENT, PAYMENT OF THE AMOUNT OF \$1,087.00 FOR COURT COSTS IN CONNECTION WITH THE BITTERS ROAD – WEST AVENUE TO HEIMER METROPOLITAN PLANNING ORGANIZATION PROJECT IN COUNCIL DISTRICT 9; FOR THE TOTAL SUM OF \$618,087.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.**

\*\*\*\*\*

**WHEREAS**, the City of San Antonio proceeded in Condemnation Cause No. 2003-ED-0009, *City of San Antonio, Texas vs. Countryside Plaza Ltd., Et Al*, to acquire a fee simple title to 0.132 of one acre (+5,736 square feet) parcel of land out of New City Block 12065, City of San Antonio, Bexar County, Texas out of Lot 23 shown on the plat of Countryside Plaza Subdivision (Parcel 16452), and a temporary easement 0.100 of one acre (4,366 square feet) in New City Block 12065, being out of Lot 23 shown on the plat of Countryside Plaza Subdivision (Parcel 16452TE); and

**WHEREAS**, the Special Commissioners met on August 22, 2003 and awarded the owners the sum of \$617,000.00 for fee simple title to this parcel of land and temporary easement; and

**WHEREAS**, the City must pay \$1,087.00 for court costs as part of this legal proceeding; and

**WHEREAS**, the City of San Antonio must deposit the amount of the award and pay the court costs; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The budget in Fund 43-172095, 2002 Street Improvements, shall be revised by reducing Index Code 753046, entitled Unallocated Appropriations, by the amount of \$218,087.00.

**SECTION 2.** The amount of \$218,087.00 is appropriated in Fund 43-172017, 2002 Street Improvements, in Index Code 944140, entitled Transfer to 43-070004 Bitters. The amount of \$218,087.00 is authorized to be transferred from Fund 43-172017 to Fund 43-070004.

**SECTION 3:** The budget in Fund 43-070000, Certificates of Obligation 2000A MPO, shall be revised by increasing Index Code 143230, entitled Transfer from 43-172017 (43-070004) Bitters, in the amount of \$218,087.00.

**SECTION 4:** The amount of \$617,000.00 is appropriated in Fund 43-070004, Certificates of Obligation 2000A MPO, in Index Code 437715, entitled Purchase of Land, and is authorized to be encumbered and made payable to Gerry Rickhoff, County Clerk, for acquisition of Fee Simple Title to one parcel in connection with the Bitters Road-West Avenue to Heimer Project.

**SECTION 5:** The amount of \$1,087.00 is appropriated in Fund 43-070004, Certificates of Obligation 2000A MPO, in Index Code 611624, entitled Court Costs, and is authorized to be encumbered and made payable to Gerry Rickhoff, County Clerk, for court costs in connection with the Bitters Road-West Avenue to Heimer Project.


**SECTION 6:** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.


**SECTION 7.** It is officially found, determined and declared that the meeting at which this ordinance is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this ordinance, was given to all as required by the Texas Code Annotated, as amended, Title 5, Chapter 551, Government Code.

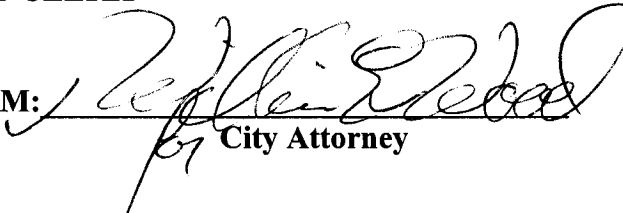
**SECTION 8.** If any part, section, paragraph, sentence, phrase, or word of this ordinance is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective.

**SECTION 9.** This ordinance shall be effective on the 12<sup>th</sup> day of October, 2003.

**PASSED AND APPROVED this 2<sup>nd</sup> day of October, 2003.**

ATTEST:  **CITY CLERK**

 **MAYOR**  
**EDWARD D. GARZA**

APPROVED AS TO FORM:  **City Attorney**